

**REMARKS**

Claims 1-38 are pending in the present application. By this Amendment, claims 1-12, 14-30 and 32-38 have been amended and claims 13 and 31 have been cancelled without prejudice or disclaimer. No new matter has been added by the amendments. It is respectfully submitted that claims 1-12, 14-30 and 32-38 are in condition for allowance in view of the amendments and remarks presented herein.

Claims 13, 14, 31 and 32 are rejected under 35 U.S.C. 112, ¶ 2 as being incomplete for omitting essential elements and that such omission(s) amounts to a gap between elements. Claims 15, 16 and 24 are rejected under 35 U.S.C. 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-38 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-7, 9-15 and 17-20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Abdoh (U.S. Patent No. 6,564,207) in view of Knight (U.S. Patent Application Publication No. 2002/0099570). Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over Abdoh in view of Knight as applied to claim 1 and further in view of Chilton et al. (Chilton, Lance; Berger, Jan E.; Melinkovich, Paul; Nelson, Richard; et al., "Privacy Protection of Health Information: Patient Rights and Pediatrician Responsibilities," Pediatrics, Oct. 1999, Vol. 104, No. 4; pp. 973-977). Claims 21 and 22-38 are rejected for the reasons set forth for claims 1 and 4-20. These rejections are respectfully traversed.

**Claim Rejections - 35 U.S.C. 112, ¶ 2**

**I. Claims 13, 14, 31 and 32**

Claims 13, 14, 31 and 32 are rejected under 35 U.S.C. 112, ¶ 2 as being incomplete for omitting essential elements and that such omission(s) amount to a gap between elements. The rejection is respectfully traversed.

By this Amendment, claims 13 and 31 have been cancelled and claims 14 and 32 have been amended to correct their dependency. Therefore, withdrawal of the rejection of claims 13, 14, 31 and 32 under 35 U.S.C. 112, ¶ 2 is respectfully requested.

**II. Claims 15, 16 and 24**

Claims 15, 16 and 24 are rejected under 35 U.S.C. 112, ¶ 2 as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

By this Amendment, claim 15 has been amended to replace the word “of” with “over” and claim 24 has been amended to correct its dependency. Claims 16 was rejected as depending from claim 15, now amended. Therefore, withdrawal of the rejection of claims 15, 16 and 24 under 35 U.S.C. 112, ¶ 2 is respectfully requested.

**Claim Rejections - 35 U.S.C. §101**

Claims 21-38 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. The rejection is respectfully traversed. In view of the recent decision in *Ex parte Lundgren*, Appeal No. 2003-2088 (BPAI 2005), it is respectfully submitted that the claimed invention is directed to statutory subject matter. As such, withdrawal of the rejection of claims 21-38 under 35 U.S.C. §101 is respectfully requested.

**Claim Rejections - 35 U.S.C. §103(a)**

**I. Claims 1-7, 9-15 and 17-20**

Claims 1-7, 9-15 and 17-20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Abdoh (U.S. Patent No. 6,564,207) in view of Knight (U.S. Patent Application Publication No. 2002/0099570). The rejection is respectfully traversed. Claims 2-7, 9-15 and 17-20 depend from independent claim 1.

The Office Action asserts, among other things, that Abdoh discloses (1) “a database configured for storing data and that such data can include at least of a recited list of data types (*e.g.*, personal perceptions of interactions between the patient and health care providers, one profile relating to the personal health care for the patient, third party data relating to the health care of the patient). The Office Action also states that “Abdoh fails to explicitly disclose a server coupled to the database, the server configured for gathering data over one or more communication links,” but that such is “well known in the art” as shown in Knight (discussed below).

Abdoh is directed to “[a] method of automated data collection, analysis and reporting...” *See* Abstract. In particular, Abdoh describes a “method of data capture, analysis and reporting, employing advanced computer telephony integration technology” that is amenable to the

collection of data related to, for example “health care, wherein a patient's demographic, clinical and health outcome information is captured, analyzed and reported.” Abdoh, therefore, is limited to a method for data *acquisition*.

Abdoh does not, however, disclose a method or system that includes (i) acquiring health related data that includes at least two pieces of data related to vascular blood pressure, (ii) correlating such data to produce a correlated vascular blood pressure health profile of a patient and (iii) using such correlated vascular blood pressure health profile to diagnose a vascular blood pressure related condition. In particular, Abdoh does not disclose, among other things, a “system for health related data collection, correlation and diagnosis comprising a database configured for storing data; and a server coupled to the database,” as recited in independent claim 1, “ wherein the server is configured for gathering at least four types of data from at least one profile subject over one or more communication links; wherein at least two types of the at least four types of data relate to personal data for the at least one profile subject selected...; wherein at least two types of the at least four types of data relate to the vascular blood pressure of the profile subject; and wherein the system combines the at least four types of data to create a correlated vascular blood pressure health profile of the profile subject that can be used to diagnose at least one vascular blood pressure related condition.” As noted above, Abdoh discloses nothing more than a data acquisition methodology; Abdoh does not disclose or suggest any use for such acquired data, much less using the data to create a “vascular blood pressure of the profile subject” or using such profile “to diagnose at least one vascular blood pressure related condition.”

Knight is cited as “disclos[ing] a system for recruiting patients for clinical trials, including a database coupled to a secure server for gathering patient data over the Internet.”

Knight discloses a system for recruiting patients to clinical trials by matching patient data with the profile of patient needed for clinical trials. The system includes database and server equipment and includes obtaining such information over the Internet. Knight fails, however, to disclose or suggest a system in which patient data is acquired and correlated in order to develop patient profiles that are used to diagnose clinical conditions as recited in independent claim 1. Thus, Knight fails to provide the deficiencies of Abdoh as described above.

In addition to the deficiencies noted above, the requisite motivation is lacking to combine or modify the teachings of Abdoh and Knight to arrive at the invention recited in independent claim 1 and dependent claims 2-7, 9-15 and 17-20. In particular, neither of the references teaches or suggests a “system for health related data collection, correlation and diagnosis comprising a database configured for storing data; and a server coupled to the database,” as recited in independent claim 1, “ wherein the server is configured for gathering at least four types of data from at least one profile subject over one or more communication links; wherein at least two types of the at least four types of data relate to personal data for the at least one profile subject selected...; wherein at least two types of the at least four types of data relate to the vascular blood pressure of the profile subject; and wherein the system combines the at least four types of data to create a correlated vascular blood pressure health profile of the profile subject that can be used to diagnose at least one vascular blood pressure related condition.” Therefore, withdrawal of the rejection of independent claim 1 and dependent claims 2-7, 9-15 and 17-20 under 35 U.S.C. § 103(a) is respectfully requested.

## **II. Claims 8 and 16**

Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over Abdoh in view of Knight as applied to claim 1 and further in view of Chilton et al. The rejection is respectfully traversed. Claims 8 and 16 depend from independent claim 1.

Applicants reiterate the remarks set forth above regarding Abdoh in view of Knight, as applied to claim 1. The Office Action cites Chilton et al. as suggesting “the growing use if computerized medical records and electronic transmission of patient health data; the security risks associated with these methods; and the regulatory constraints being applied to this situation.” While Chilton et al. addresses privacy protection related to patient health care data, such does not supply the deficiencies discussed above related to Abdoh and Knight. In addition to the substantive deficiencies noted above, the requisite motivation is lacking to combine or modify the teachings of Abdoh, Knight and Chilton et al to arrive at the invention recited in dependent claims 8 and 16 (or independent claim 1). Thus, it is respectfully submitted that Abdoh, Knight and Chilton et al fail to disclose the invention recited in dependent claims 8 and 16. Therefore, withdrawal of the rejection of dependent claims 8 and 16 under 35 U.S.C. §

103(a) is respectfully requested.

**III. Claims 21 and 22-38**

Claims 21 and 22-38 are rejected for the reasons set forth for claims 1 and 4-20. The rejection is respectfully traversed. Claims 22-38 depend from independent claim 21.

The Office Action states that "the limitation of claims 21, and 22-38 respectively are rejected for the same reasons given above for claim 1, and 4-20 respectively." As such, Applicants reiterate the remarks set forth above regarding Abdoh, Knight and Chilton et al. with regard to independent claim 1 and dependent claims 4-20. Therefore, withdrawal of the rejection of independent claims 21 and dependent claims 22-38 under 35 U.S.C. § 103(a) is respectfully requested.

**CONCLUSION**

For all of the foregoing reasons, it is respectfully requested that the rejections set forth in the Office Action be withdrawn. Applicants submit that claims 1-38 are allowable over the art of record, and that the application is in condition for allowance. Favorable reconsideration of this application and a timely Notice of Allowance are therefore respectfully requested.

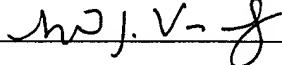
The Examiner is invited to contact Applicants' undersigned attorneys by telephone to discuss any matters in order to expedite the progress of the present application toward allowance.

If there are any other fees due in connection with the filing that are not enclosed herewith, please charge any fees or credit any overpayment to our Deposit Account No. 50-1349.

Respectfully submitted,

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